

# **EXHIBIT 3**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF TEXAS  
3                   MARSHALL DIVISION

4                   TQ DELTA, LLC.,    ( CAUSE NO. 2:21-CV-310-JRG  
5    )  
6                   Plaintiff,    ( )  
7                   vs.    ( )  
8                   COMMSCOPE HOLDING COMPANY,                              ( )  
9                   INC., et al.,    ) MARSHALL, TEXAS  
10    ( MARCH 24, 2023  
11                   Defendants.   ) 8:00 A.M.  
12

---

13    VOLUME 6  
14

---

15    TRIAL ON THE MERITS  
16

---

17    BEFORE THE HONORABLE RODNEY GILSTRAP  
18    UNITED STATES CHIEF DISTRICT JUDGE  
19

---

20    SHAWN McROBERTS, RMR, CRR  
21    100 E. HOUSTON STREET  
22    MARSHALL, TEXAS 75670  
23    (903) 923-8546  
24    shawn\_mcroberts@txed.uscourts.gov  
25

## A P P E A R A N C E S

FOR THE PLAINTIFF: DAVIS FIRM, P.C.  
213 N. FREDONIA ST., SUITE 230  
LONGVIEW, TEXAS 75601  
(903) 230-9090  
BY: MR. RUDOLPH FINK  
MR. CHRISTIAN HURT  
MR. WILLIAM DAVIS

MCANDREWS HELD & MALLOY, LTD  
500 W. MADISON ST., 34TH FLOOR  
CHICAGO, ILLINOIS 60661  
(312) 775-8000  
BY: MR. PETER MCANDREWS  
MS. ASHLEY RATYCZ  
MR. RAJENDRA CHIPLUNKAR

10 FOR THE DEFENDANT: ALSTON & BIRD, LLP-NC  
11 101 SOUTH TRYON STREET  
12 SUITE 4000  
13 CHARLOTTE, NC 28280  
14 (704) 444-1025  
BY: MR. ROSS BARTON  
MR. MATTHEW STEVENS  
MR. KIRK BRADLEY  
MS. KARLEE WROBLEWSKI

ALSTON & BIRD, LLP - ATLANTA  
ONE ATLANTIC CENTER  
1201 WEST PEACHTREE STREET NW  
#4900  
ATLANTA, GEORGIA 30309-3424  
(404) 881-7000  
BY: MR. MICHAEL DEANE

19 THE DACUS FIRM, PC  
20 821 ESE LOOP 323, SUITE 430  
TYLER, TEXAS 75701  
(903) 705-1117  
21 BY: MR. DERON DACUS

22 OFFICIAL REPORTER: SHAWN M. McROBERTS, RMR, CRR  
100 E. HOUSTON STREET  
23 MARSHALL, TEXAS 75670  
(903) 923-8546

THE COURT: Be seated, please.

1 patented invention, including the utility and advantages of  
2 the patent over the old modes or devices, if any, that had  
3 been used to achieve similar results.

4 Now, a patentee is not entitled to damages for any  
5 infringement committed more than six years prior to the filing  
6 of the claim for infringement. In this case, the damages  
7 period commences on August the 13th, 2015, six years prior to  
8 the date on which TQ Delta filed its complaint in this case.  
9 No damages can be awarded for any infringement that occurred  
10 before the date that the asserted patents were issued. Where  
11 you find that an asserted claim is both infringed and not  
12 invalid, you may not award damages for activities occurring  
13 before the damages period begins.

14 A patentee is not entitled to damages after the  
15 expiration of an asserted patent. The '008 Patent expired on  
16 November the 9th, 2020, and the '354 Patent expired on April  
17 the 18th, 2021. Therefore, the damages period for the '008  
18 Patent ended on November the 9th, 2020, and the damages period  
19 for the '354 Patent ended on April the 18th, 2021.

20 With regard to the Defendants' alleged breach of contract  
21 claim against the Plaintiff, the Defendants CommScope bear the  
22 burden of proving their breach of contract claim by a  
23 preponderance of the evidence. CommScope contends that TQ  
24 Delta breached its contract with the ITU to grant licenses to  
25 standard essential patents held by TQ Delta on FRAND terms and

1 I HEREBY CERTIFY THAT THE FOREGOING IS A  
2 CORRECT TRANSCRIPT FROM THE RECORD OF  
3 PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.  
4 I FURTHER CERTIFY THAT THE TRANSCRIPT FEES  
5 FORMAT COMPLY WITH THOSE PRESCRIBED BY THE  
6 COURT AND THE JUDICIAL CONFERENCE OF THE  
7 UNITED STATES.

8  
9 S/Shawn McRoberts 03/24/2023

10 \_\_\_\_\_ DATE \_\_\_\_\_  
11 SHAWN McROBERTS, RMR, CRR

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25